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Application Number 09/851,030 Filing Date **TRANSMITTAL** May 7, 2001 First Named Inventor **FORM** Michael CRISTOFALO Art Unit 2611 (to be used for all correspondence after initial filing) **Examiner Name** K. O. T. Bui Attorney Docket Number 559442004300 Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)				
Fee Transmittal Form		Drawing(s)		After Allowance Communication to TC
Fee Attached		Licensing-related Papers		Appeal Communication to Board of Appeals and Interferences
X Response Under 37 CFR 1.116		Petition		Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
X After Final		Petition to Convert to a Provisional Application		Proprietary Information
Affidavits/declaration(s)		Power of Attorney, Revocation Change of Correspondence		Status Letter
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Reply to Missing Parts/ Incomplete Application		Remarks		
Reply to Missing Parts under 37 CFR 1.52 or 1.53				
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT				
Firm Name MORRISON & FOERSTER LLP				
Signature				
Printed name Jonathan E	Jonathan Bockman			
May 1, 2006		Reg. No.	45,640	



Attorney Docket No.: 559442004300

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Michael CRISTOFALO

Application No.: 09/851,030

Confirmation No.: 2495

Filed: May 7, 2001

Art Unit: 2611

For: SYSTEM AND METHOD FOR PROVIDING

Examiner: K. O. T. Bui

TARGETED PROGRAMMING OUTSIDE OF

THE HOME

RESPONSE UNDER 37 CFR 1.116

MS AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the final Office Action dated January 31, 2006, for which a response is due on April 30, 2006.

<u>REMARKS</u>

Claims 1-8, 12-70 and 72-79 stand rejected under 35 USC 102(e) as being anticipated by Gershman. This rejection is respectfully traversed.

Applicant's claims are directed to providing targeted programming to a user outside of the user's home. As previously explained, the claimed systems and methods include utilizing a user identification that includes "an identifier corresponding to an account number used in a transaction." As explained on page 6, page 7, line 7, this identifier is used to provide programming specifically